

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

|                              |                                 |
|------------------------------|---------------------------------|
| PETER ALLEN, et al.,         | :                               |
|                              | :                               |
|                              | :                               |
|                              | :                               |
| Plaintiffs,                  | :                               |
|                              | :                               |
| -against-                    | : <b>No. 19 Civ. 8173 (LAP)</b> |
|                              | :                               |
| NEW YORK STATE DEPARTMENT OF | : <b>ORDER</b>                  |
| CORRECTIONS AND COMMUNITY    | :                               |
| SUPERVISION, et al.,         | :                               |
|                              | :                               |
|                              | :                               |
| Defendants.                  | :                               |
|                              | :                               |

**LORETTA A. PRESKA, UNITED STATES DISTRICT JUDGE:**

The Court has reviewed counsels' submissions regarding various discovery issues (Dkt. Nos. 274, 278, 278) and heard arguments from the parties on August 11, 2021.

Accordingly, it is hereby ordered:

**Medical Records**

Defense counsel shall immediately request and produce all medical records relating to individuals who have proffered HIPAA releases to ensure they are updated and accurate. Defense counsel shall alert Plaintiffs' counsel to the anticipated receipt of records by the Office of the Attorney General and coordinate with Plaintiffs' counsel for retrieval upon receipt. Plaintiffs' counsel will then arrange to pick up the records, scan them, and bates-stamp them for timely production to all counsel being mindful of

any HIPAA issues. Defendants shall arrange to have all medical records updated every thirty (30) days pending further order of the Court.

**Medical Information Contained on Active File Folders**

Defendants shall produce any information recorded on the file folders that contain putative class members' active Ambulatory Health Records within thirty (30) days.

**Designated Privileged Documents**

Defendants shall produce previously withheld emails or redacted portions of emails between doctors regarding patient care, medical status, reassessment or treatment of putative class members, including those where privilege was asserted on the basis that instructions regarding the reassessment process were being conveyed by a doctor to a doctor, as well as all non-privileged attachments, including the "MWAP Disapprovals" Excel spreadsheet. Those documents shall be produced within thirty (30) days.

**Letters to Chief Medical Officers**

Defendants shall produce all letters to NYS DOCCS' Chief Medical Officers requested by Plaintiffs' counsel, as well as any responses thereto within ninety (90) days.

Dated: August 23, 2021  
New York, New York

  
LORETTA A. PRESKA, U.S.D.J.